UNITED STATES PATENT AND TRADEMARK OFFICE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _07 May 2008_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _21-40 and 50-56_ is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _21-40, 50-56_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All   b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claims 1-20 were previously cancelled.

Claims 21-56 are pending in this application.

Claims 41-49 were cancelled in response filed 10/17/07.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), **was filed 5/7/08** in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on **5/7/08 has** been entered.

Response to Arguments

Applicant's arguments filed in the submission have been fully considered but they are not persuasive.

In response filed, applicant argues in substance that:

a.   Santoro does not teach or suggest "enabling access by said first user, remote from said cellular telephone by way of a **webpage provided by a wireless service provider** for said cellular telephone, to said plurality of picture files and said information which has been changed" (remarks, pg. 12-13, 15).

In response to argument [a], Examiner respectfully disagrees.

In support for the claimed limitation, the applicant specification discloses (pg. 8 lines 1-12):

> In addition, the banner ad could include options to access additional information regarding the content of the picture file or go to a particular website by selecting the banner ad. For example, a box 514 could be selected to enable a user to close out the information display area on the device. Alternatively, a box 516 could be selected to "save" the content of the information display area to a predetermined folder for easy access. Such a feature is particularly useful for a wireless device where the user interface or display may be less conducive to viewing a large amount of information. **Preferably, the information in the information display would be saved to a user's website, which could be a personal website or a webpage for the user associated with the user's wireless service provider. Accordingly, a user could access information provided to the wireless device at a more convenient time or from a device with a more suitable user interface for reviewing the information.**

In other words, the picture files is saved to a user's website or webpage, and the web page enables access by the user from a different device such as PC, laptop or other device having a suitable user interface.

Initially, it should be noted that providing a set of information through a web page or website and/or saving the set of information to a web page or web site, by itself, enables access by anyone at any location using any device having a web browser.

Santoro teaches displaying the plurality of tiles, i.e. picture files, on a display of a cellular telephone, wherein the tiles are associated with a toolbar function for adjusting the properties of the tile (See col. 9 L56 to col. 10 L22). Santoro also teaches the process wherein the plurality of tiles are represented by markup language files and viewed within a web-browser environment, for example: see col. 15 L25-34.

Tiles, as in Santoro are associated with set of widget such as buttons, a label, an edit widget that enables a user to enter text into an editable field, list widget, etc., See col. 15 L65 to col. 16 L9.

Moreover, at column 22 lines 1 to col. 23 lines 29, Santoro discloses a server enabling the client to **store, edit and download** the plurality of tiles, **i.e. picture files, using a web browser**.

Santoro utilizes the servers that allows for the latest version of tiles to be downloaded and

installed across all devices. Users are then able to **share grids and tiles** with other users. The

server side technology utilized permits the users of all client devices, from desktop PCs to

mobile telephone with a consistent experience.

Figure 27 reproduced herein, in conjunction with col. 24 L3-13 clearly shows that the

webpage is provided, i.e. sent, transferred, transmitted, etc., to the client device such as PDA

2714 by the internet and/or wireless service provider. In other words, the web page is provided

by the service provider to the PDA by obtaining the web page from the server.
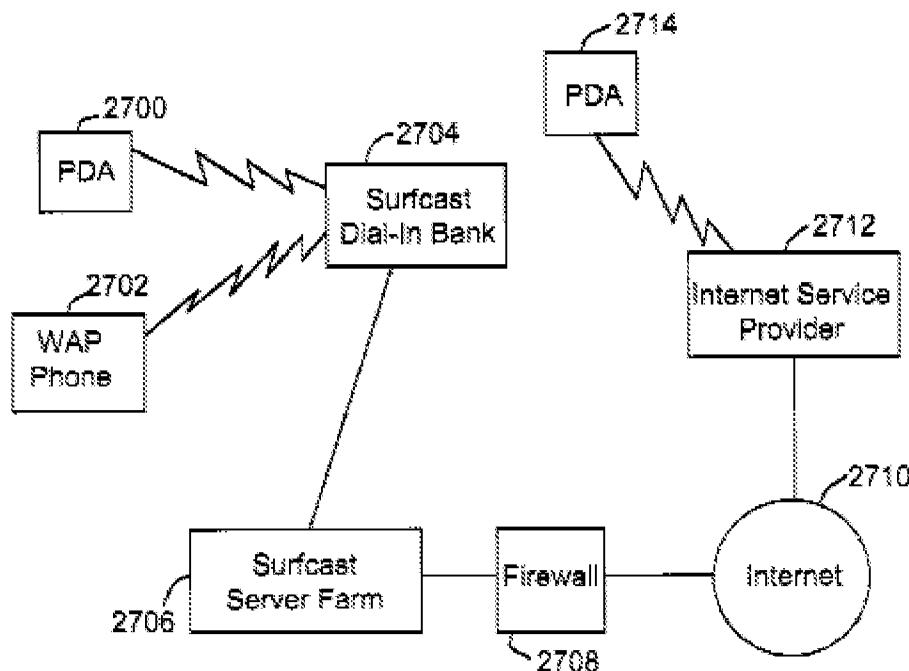
> FIG. 27 provides an example of the way in which wireless
> devices can interact with a server. A personal digital assistant
> (PDA) 2700 or a WAP phone 2702 communicates in a
> wireless manner with a dial-in bank 2704. The dial-in bank
> communicates data to a server farm 2706 which is connected
> to the internet 2710, optionally through a firewall 2708.
> Alternatively, another personal digital assistant such as 2714
> can communicate with an internet service provider such as
> 2712, also connected to the internet 2710. The server farm
> 2706 is able to provide content directly to a PDA such as
> 2700 or indirectly, over the internet, to a PDA such as 2714.

In column 24, Santoro teaches that PDA and/or WAP phone 2714 is connected to the ISP, in an event device 2714 is WAP phone, the ISP is wireless service provider, connected to the Internet. **The server farm is able to provide content indirectly over the Internet to a PDA device such as 2714. That is, the web page is provided, i.e. transferred, sent by the ISP 2712 to the PDA 2714 due to the fact that the PDA is connected to the Internet through ISP.**

Therefore, the fact that these tiles are available through server and/or downloaded through a web browser, which are associated with set of widget that enables the user's to edit properties of tiles, and which are saved/created and restored via the metabase and/or server, more importantly, which can be shared and accessed using the desktop PC and mobile telephones suggests enabling the access by the user, remote from a cellular telephone by way of a web page provided by a wireless service provider.

Accessing the plurality of tiles from a desktop PC via the server or website does in fact teach and suggest access by a user, i.e. from the desktop PC, remote from the cellular telephone, i.e. desktop PC is remote from the mobile telephone, for a user associated with a wireless service provider for said cellular telephone, i.e. accessing and sharing the plurality of tiles through the server.

As such, Santoro does teach and disclose the feature as in argument [a].

    i.   Applicants point out that Santoro does not even discuss a wireless service

provider (remarks, pg. 12).

    In response to argument [i], Examiner disagrees.

    Applicant's specification discloses the service provider to be ISP, e.g.

specification as filed, pg. 6 and fig. 1.

    In an event device 104 is a wireless device, the service provider may be a

wireless service provider and/or the ISP.

    As set forth above, In column 24, Santoro teaches that PDA 2714 is

connected to the ISP, in an event device 2714 is WAP phone, the ISP is wireless

service provider, connected to the Internet.

    Applicant is suggested to interpret the claim language and/or rejection in

view of the specification as filed.

    ii.   Moreover, to the extent that nay aspect of fig. 27 of Santoro could be

considered WSP, there is certainly no teaching of a wireless service provider that

hosts both a cell phone and a web page for accessing that cell phone, as recited in

independent claim 54 (remarks, pg. 13).

    In response to argument [ii], Examiner disagrees.

    In response to applicant's argument that the references fail to show certain

features of applicant's invention, it is noted that the features upon which applicant

relies (i.e., "wireless service provider hosts both…") are not recited in the rejected

claim(s).   Although the claims are interpreted in light of the specification,

limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The claim merely recites providing a website/webpage by a wireless service provider, which is equivalent to transferring the website and/or webpage through the WSP.

b.   Furthermore...however, in responding to applicant's arguments, the examiner appears to ignore applicant's point that these positions of McDaniel all lead to the conclusion that McDaniel does not...(remarks, pg. 15).

In response to argument [b], applicant should note the followings:

- During patent examination, the pending claims are given broadest reasonable interpretation in light of the specification. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

- The examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

- It has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with

which the applicant was concerned, **in order to be relied upon as a basis for rejection of the claimed invention.** See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992).

- Furthermore, the Supreme Court in **KSR International Co. v. Teleflex Inc.**, 550 U.S. ___,___, 82 USPQ2d 1385, 1395-97 (2007) identified a number of rationales to support a conclusion of obviousness which are consistent with the proper "functional approach" to the determination of obviousness as laid down in Graham. The key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. The Supreme Court in KSR noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit. **See MPEP 2143.**

EXEMPLARY RATIONALES

Exemplary rationales that may support a conclusion of obviousness include:

(A)   Combining prior art elements according to known methods to yield

predictable results;

(B)   Simple substitution of one known element for another to obtain predictable

results;

(C)   Use of known technique to improve similar devices (methods, or products)

in the same way;

(D)   Applying a known technique to a known device (method, or product) ready

for improvement to yield predictable results;

(E)   "Obvious to try" – choosing from a finite number of identified, predictable

As such, it appears applicant is ignoring office's point of view instead, which is explicitly

based on the rationales above. Applicant is therefore advised to refer to **MPEP 2143, more**

specifically to the KSR ruling.

Exemplary modification

McDaniel discloses software for presenting the plurality of picture files, wherein each

picture files is associated with a selection option, which when selected, enables the PDA user to

present the plurality of selected picture files as a screen saver, e.g. see the reproduced section

below.

Menus
Select Preference from the App menu, shown in Figure B. You can choose to display an automatic slide show when you launch Album To Go, force four gray scale mode, or create a continuous loop of your slide show. Pictures can stay on the screen from one to 30 seconds, you select the length of time.

FIGURE B
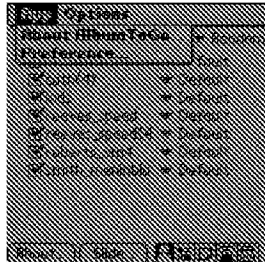
Choose Preference from the App menu, and you'll be offered a host of choices.

The Options menu, shown in Figure C, lets you either check all the pictures for the slide show or uncheck them all. You can check or uncheck boxes individually to further tune a slide show. You can also separately set how long each picture will be displayed and even what effects will be used to change images. Effects include tiling, wiping, and so forth. The program would be even better with a "lite" version that simply switches pictures and saves the additional memory for other uses.

FIGURE C
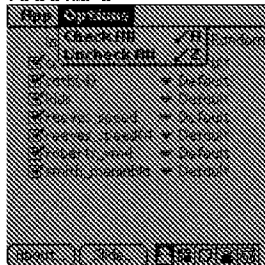
Options lets you check or uncheck boxes to change your slide show.

Therefore, implementing the similar features in a cell phone device would be obvious to one of ordinary skilled in the art at least in view of exemplary rationale B, C and D.

Furthermore, **applicant fails** to see the separate selection options for each picture file, e.g. picture file KIDS is associated with separate selection option, picture file CATH (4) is associated with its own selection option, etc., and keeps reinforcing that McDaniel describes a selection option for one and only one picture file.

Applicant should also note that the office action refers to Santoro as teaching the simultaneous display of the picture files, Santoro: col. 8 lines 35-64, col. 10 lines 44-65. That is,

Santoro clearly discloses the process of simultaneously displaying a plurality of picture files on a

display of said cellular telephone, for example, see fig. 4.

      c.   "McDaniel does not teach or suggest that a system with the capabilities of a cell

phone...McDaniel does not explicitly or implicitly suggest that the software could be used

for or would be advantageous to be used on a cellular telephone..."(remarks, pg. 16-18).

In response to argument [c], Examiner respectfully disagrees at least in light of the

exemplary rationales as set forth above.

It would be a common sense to implement the features of Albumtogo software, which is

implemented in a PDA as in McDaniel, in cellular telephones. **This can be evidenced in**

applicant's own specification which refers implementing the invention in variety of

electronic devices such as desktop computers, laptops, PDAs or cellular telephones, e.g.

specification as filed, pg. 5-6, **without citing any operating system issues.**

Secondly, applicant asserts that there is no evidence that the pdq could run the album to

go software, e.g. remarks, pg. 16.

On contrary, there is no evidence that the features of albumtogo software **cannot** be

implemented in cellular telephones.

Furthermore, applicant's analysis of dual mode of pdq device is acknowledged. However,

it should be noted that the pdq device with cell phone capabilities, whether operating in cell

mode or palm mode, can still be interpreted as a cellular telephone. The claims do not recite or

suggest the internal structure and/or modes of the cellular telephone. The pdq device with cell

phone capabilities, as a whole, is still capable of receiving the picture file at the device, regardless of whether the picture file is received at PalmOS portion or telephone portion.

In short, the software, i.e. AlbumtoGo, was not limited to non-cellular PDA, thus, McDaniel does teach software and application that provides a separate selection option for each picture file of said plurality of picture files when said plurality of picture files is displayed on a cellular telephone and/or Palm device. Hence, implementing the features that were known to a PDA device, in cellular telephones is considered obvious at least in light of KSR ruling.

For the at least these reasons, the REJECTION IS MAINTAINED.

Terminal Disclaimer

The terminal disclaimer filed on 10/15/07 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of USPN 7,072,683 ("the '683 patent") has been reviewed and is accepted. The terminal disclaimer has been recorded.

Double Patenting

The Double Patenting rejection presented in the previous office action in view of USPN 7,072,683 is withdrawn in light of Terminal Disclaimer above.

The Double Patenting rejection presented in the previous office action in view of application no. 10/307,096 and 10/307,175 is withdrawn in light of the abandonment of application 10/307,096 on April 17, 2006, and abandonment of application 10/307,175 on August 30, 2006 (remarks, pg. 11-12).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1.   Claims 54-56 are rejected under **35 U.S.C. 102(e)** as anticipated by Santoro et al.

(hereinafter Santoro, U. S. Patent No. 6,724,403 B1).

As per claim 54, Santoro discloses a method of viewing a picture file, the method

comprising:

storing a plurality of picture files on a cellular telephone (fig. 16 item #1502, fig. 17 item

#1734, fig. 19 item #1918, fig. 2 item #100, item #122 and col. 9 L57-61);

simultaneously displaying the plurality of picture files on a display of the cellular

telephone (col. 8 L35-64, fig. 4 and col. 10 L44-65);

enabling a user to edit information associated with at least one of the plurality of picture

files (col. 9 L54 to col. 10 L22, col. 17 L20-24, col. 22 L50-67: adjusting properties or content of

tiles);

enabling access to the plurality of picture files via a website provided by a wireless

service provider, wherein the wireless service provider provides services for the cellular phone

(col. 9 L1-56, col. 9 L57 to col. 10 L39, col. 15 L25-34, col. 22 L1 to col. 23 L18: server enables

the access to plurality of tiles via the web browser, fig. 27 and col. 24 L3-12);

enabling the user to edit information associated with at least one of the plurality of picture files via the website (col. 13 L20 to col. 14 L25, col. 15 L25 to col. 16 L9, col. 17 L20-25: user changing the content of tiles via the web browser); and

displaying at least one of the plurality of picture files on the cellular phone with the information edited in step (e) (col. 22 L1-67, col. 15 L51-65: creating, saving and restoring tiles).

As per claim 55, Santoro discloses the process further comprising receiving at least one of the plurality of files by way of a wireless link of a telecommunications network (col. 23 L30 to col. 24 L14).

As per claim 56, Santoro discloses the process further comprising enabling the enlargement of a picture file displayed during said step of displaying (col. 9 L1-56).

<u>***Claim Rejections - 35 USC § 103***</u>

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the

claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various

claims was commonly owned at the time any inventions covered therein were made absent any

evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out

the inventor and invention dates of each claim that was not commonly owned at the time a later

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c)

and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2.   Claims 21-22, 24-27, 29-40 and 50-53 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Santoro et al. (hereinafter Santoro, U. S. Patent No. 6,724,403 B1) in view of

Heather McDaniel (hereinafter McDaniel, PalmPower Review, Album to Go software), and

further in view of Brechner et al. (hereinafter Brechner, US 6,970,859 B1).

As per claim 21, Santoro discloses a method of accessing a picture file received from a

cellular telephone (col. 1 L10-15, col. 4 L33-55, col. 5 L13-22, col. 7 L17-25), said method

comprising the steps of:

- receiving said picture file at said cellular telephone (col. 9 L34-42, col. 22 L1-20, col.

14 L54-56);

- simultaneously displaying a plurality of picture files on a display of said cellular

telephone (col. 8 L35-64, fig. 4 and col. 10 L44-65);

- enabling a first user to change information displayed with said received picture file by

way of a user interface on said cellular telephone (col. 17 L20-24, col. 22 L50-67);

- providing a selection option associated with said picture file when said picture file is

displayed on said cellular telephone (col. 9 L24-33, L42-56); and

- enabling access by said first user, remote from said cellular telephone by way of a

webpage provided by a wireless service provider for said cellular telephone, to said plurality of

picture files and said information which has been changed (col. 22 L1 to col. 23 L18: desktop PC

users accessing the updated version of plurality of tiles or picture files, col. 23 L. 60-67, fig. 4,

col. 9 L1-56: picture file stored on world-wide web page, fig. 27 and col. 24 L3-12).

However, Santoro does not disclose the process of providing a separate selection option

for each picture file of said plurality of picture files when said plurality of picture files is

displayed on said cellular telephone, enabling a user to separately select a selection option for

each picture file of said plurality of picture files; and displaying a subset of said plurality of

picture files on said display according to a selected display function, said subset comprising

picture files selected by way of said selection options associated with said plurality of picture

files and the process of enabling a second user to separately select a selection option associated

with each picture file of said plurality of picture file displayed on a web page by way of a web

page.

McDaniel explicitly discloses a software or an application that provides a separate

selection option for each picture file of said plurality of picture files when said plurality of

picture files is displayed on a handheld device, enables a user to separately select a selection option for each picture file of said plurality of picture files; and displays a subset of said plurality of picture files on said display according to a selected display function, said subset comprising picture files selected by way of said selection options associated with said plurality of picture files (pg. 2 fig. B and fig. C).

Therefore it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Santoro in view of McDaniel in order to provide a separate selection option for each picture files displayed on user interface on a cellular telephone, enabling the user to separately select a selection option for each picture file and displaying a subset of said plurality of picture files on a cellular telephone.

One of ordinary skilled in the art would have been motivated because it would have enabled a user to select or choose the pictures from plurality of picture files for the slide show on a cellular telephone, palm device and/or mobile device (McDaniel, page 1-2).

However, Santoro in view of McDaniel does not disclose the process of enabling a user to separately select a selection option associated with each picture file of said plurality of picture file displayed on a web page by way of a web page.

Brechner explicitly discloses the process of enabling a user to separately select a selection option associated with each picture file of said plurality of picture file displayed on a web page by way of a web page (fig. 1: plurality of picture file displayed on a web page, fig. 2 item #42: the selection option box for selecting the picture file, col. 1 L29-32, col. 4 L7-67, col. 7 L15-26).

Therefore, it would have been obvious to a person of ordinary skilled in the art at the time

the invention was made to modify Santoro in view of McDaniel and further in view of Brechner

in order to enable the user to separately select a selection option associated with each picture file

displayed on a web page.

One of ordinary skilled in the art would have been motivated because it would have

enabled the user to identify the thumbnail or picture file as being suitable for an intended purpose

by the user (Brechner, col. 7 L15-25).

As per claim 22, Santoro discloses the process wherein said step of receiving said picture

file at said cellular telephone comprises receiving said picture file by way of a wireless link of a

telecommunications network (col. 11 L15-32, fig. 27, col. 24 L3-13 and col. 15 L51-64).

As per claim 24, Santoro discloses the process of storing said picture file on said cellular

telephone (fig. 15 item #1506, fig. 17 item #1734 and col. 17 L30-39).

As per claim 25, Santoro discloses the process wherein the step of providing a selection

option comprises providing a selection box associated with said picture file which can be

selected by a user to indicate that a selection had been made (Santoro, col. 10 L14-22, col. 17

L20-25 and col. 14 L48-54; McDaniel, fig. B and fig. C).

As per claim 26, Santoro discloses a method of accessing a picture file received from a

cellular telephone, said method comprising the steps of:

- storing a plurality of picture files on said cellular telephone (fig. 16 item #1502, fig. 17

item #1734, fig. 19 item #1918, fig. 2 item #100, item #122 and col. 9 L57-61);

- simultaneously displaying a plurality of picture files on a display of said cellular

telephone (col. 8 L35-64, fig. 4 and col. 10 L44-65);

- enabling a first user to change information displayed with said picture file of said plurality of picture files by way of a user interface on said cellular telephone (col. 17 L20-24, col. 22 L50-67);

- providing a selection option associated with said picture file when said picture file is displayed on said cellular telephone (col. 15 L65 to col. 16 L8, col. 17 L20-25 and col. 14 L46-54);

- enabling a first user to designate said selection option while said picture file is displayed on said cellular telephone (col. 15 L65 to col. 16 L8, col. 17 L20-25 and col. 14 L46-54); and

- enabling access by said first user, remote from said cellular telephone by way of a webpage provided by a wireless service provider for said cellular telephone, to said plurality of picture files and said information which has been changed (col. 23 L1-18, col. 23 L. 60-67, fig. 27 and col. 24 L3-12).

However, Santoro does not disclose the process of providing a separate selection option for each picture file of said plurality of picture files when said plurality of picture files is displayed on said cellular telephone, enabling a user to separately select a selection option for each picture file of said plurality of picture files; and displaying a subset of said plurality of picture files on said display according to a selected display function, said subset comprising picture files selected by way of said selection options associated with said plurality of picture files and the process of enabling a second user to separately select a selection option associated with each picture file of said plurality of picture file displayed on a web page by way of a web page.

McDaniel explicitly discloses a software or an application that provides a separate selection option for each picture file of said plurality of picture files when said plurality of picture files is displayed on said cellular telephone, enables a user to separately select a selection option for each picture file of said plurality of picture files; and displays a subset of said plurality of picture files on said display according to a selected display function, said subset comprising picture files selected by way of said selection options associated with said plurality of picture files (pg. 2 fig. B and fig. C).

Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Santoro in view of McDaniel in order to provide a separate selection option for each picture files displayed on user interface on a cellular telephone, enabling the user to separately select a selection option for each picture file and displaying a subset of said plurality of picture files on a cellular telephone.

One of ordinary skilled in the art would have been motivated because it would have enabled a user to select or choose the pictures from plurality of picture files for the slide show on a cellular telephone, palm device and/or mobile device (McDaniel, page 1-2).

However, Santoro in view of McDaniel does not disclose the process of enabling a user to separately select a selection option associated with each picture file of said plurality of picture file displayed on a web page by way of a web page.

Brechner explicitly discloses the process of enabling a user to separately select a selection option associated with each picture file of said plurality of picture file displayed on a web page by way of a web page (fig. 1: plurality of picture file displayed on a web page, fig. 2

item #42: the selection option box for selecting the picture file, col. 1 L29-32, col. 4 L7-67, col. 7 L15-26).

Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Santoro in view of McDaniel and further in view of Brechner in order to enable the user to separately select a selection option associated with each picture file displayed on a web page.

One of ordinary skilled in the art would have been motivated because it would have enabled the user to identify the thumbnail or picture file as being suitable for an intended purpose by the user (Brechner, col. 7 L15-25).

As per claim 30, Santoro discloses the process of enabling a user to enlarge said picture file (col. 9 L1-11, col. 9 L42-55).

As per claim 31, Santoro discloses a method of accessing a picture file received from a cellular telephone, said method comprising the steps of:

- simultaneously displaying a plurality of picture files on a display of said cellular telephone (col. 8 L35-64, fig. 4 and col. 10 L44-65);

- enabling a first user to change information displayed with said picture file of said plurality of picture files by way of a user interface on said cellular telephone (col. 17 L20-24, col. 22 L50-67);

- providing a selection option associated with said picture file when said picture file is displayed on said cellular telephone (col. 17 L20-25 and col. 14 L46-54);

- enabling a the first user to designate said selection option while said picture file is displayed on said cellular telephone (col. 17 L20-25, fig. 4 and col. 14 L46-54);

- enabling a user to enlarge said predetermined picture file (col. 9 L1-11, col. 9 L42-55);
and

- enabling access by said first user, remote from said cellular telephone by way of a
webpage provided by a wireless service provider for said cellular telephone, to said plurality of
picture files and said information which has been changed (col. 23 L1-18, col. 23 L. 60-67, fig.
27 and col. 24 L3-12).

However, Santoro does not disclose the process of providing a separate selection option
for each picture file of said plurality of picture files when said plurality of picture files is
displayed on said cellular telephone, enabling a user to separately select a selection option for
each picture file of said plurality of picture files; and displaying a subset of said plurality of
picture files on said display according to a selected display function, said subset comprising
picture files selected by way of said selection options associated with said plurality of picture
files and the process of enabling a second user to select which picture files of said plurality of
picture file displayed on a web page by way of a web page.

McDaniel explicitly discloses a software or an application that provides a separate
selection option for each picture file of said plurality of picture files when said plurality of
picture files is displayed on said cellular telephone, enables a user to separately select a selection
option for each picture file of said plurality of picture files; and displays a subset of said plurality
of picture files on said display according to a selected display function, said subset comprising
picture files selected by way of said selection options associated with said plurality of picture
files (pg. 2 fig. B and fig. C).

Therefore it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Santoro in view of McDaniel in order to provide a separate selection option for each picture files displayed on user interface on a cellular telephone, enabling the user to separately select a selection option for each picture file and displaying a subset of said plurality of picture files on a cellular telephone.

One of ordinary skilled in the art would have been motivated because it would have enabled a user to select or choose the pictures from plurality of picture files for the slide show on a cellular telephone, palm device and/or mobile device (McDaniel, page 1-2).

However, Santoro in view of McDaniel does not disclose the process of enabling a user to select which picture files of said plurality of picture file displayed on a web page by way of a web page for a user associated with a wireless service provider for cellular telephone.

Brechner explicitly discloses the process of enabling a user to separately select which picture files selection of said plurality of picture file are displayed on a web page by way of a web page (fig. 1: plurality of picture file displayed on a web page, fig. 2 item #42: the selection option box for selecting the picture file, col. 1 L29-32, col. 4 L7-67, col. 7 L15-26).

Therefore it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Santoro in view of McDaniel and further in view of Brechner in order to enable the user to separately select a selection option associated with each picture file displayed on a web page.

One of ordinary skilled in the art would have been motivated because it would have enabled the user to identify the thumbnail or picture file as being suitable for an intended purpose by the user (Brechner, col. 7 L15-25).

As per claim 32, Santoro discloses the process wherein the step of displaying a picture file on a cellular telephone comprises a thumbnail of said picture file (col. 8 L57-67, fig. 4 and col. 9 L1-24).

As per claim 33, Santoro discloses the process wherein said step of enlarging said picture file comprises a step of displaying said picture file as a window on a display of said cellular telephone (col. 8 L1-15).

As per claim 35, Santoro discloses a method of presenting said picture file having a designated option according to a user selectable function (col. 9 L1-56 and col. 17 L20-25).

As per claim 36, Santoro discloses a method of accessing a picture file received from a cellular telephone, said method comprising the steps of:

- storing a plurality of picture files on said cellular telephone (fig. 16 item #1502, fig. 17 item #1734, fig. 19 item #1918, fig. 2 item #100, item #122 and col. 9 L57-61);

- simultaneously displaying a plurality of picture files on a display of said cellular telephone (col. 8 L35-64, fig. 4 and col. 10 L44-65);

- enabling a first user to change information displayed with said picture file of said plurality of picture files by way of a user interface on said cellular telephone (col. 17 L20-24, col. 22 L50-67);

- providing a plurality of selection options, each said selection option being associated with a picture of said plurality of picture files (col. 17 L20-25 and col. 14 L46-54);

- enabling a first user to designate each said selection option associated with plurality of picture files (col. 17 L20-25, fig. 4 and col. 14 L46-54);

- enabling access by said first user, remote from said cellular telephone by way of a webpage provided by a wireless service provider for said cellular telephone, to said plurality of picture files and said information which has been changed (col. 23 L1-18, col. 23 L. 60-67).

However, Santoro does not disclose the process of providing a separate selection option for each picture file of said plurality of picture files when said plurality of picture files is displayed on said cellular telephone, enabling a user to separately select a selection option for each picture file of said plurality of picture files; and displaying a subset of said plurality of picture files on said display according to a selected display function, said subset comprising picture files selected by way of said selection options associated with said plurality of picture files and the process of enabling a user to select which picture files of said plurality of picture file displayed on a web page by way of a web page.

McDaniel explicitly discloses a software or an application that provides a separate selection option for each picture file of said plurality of picture files when said plurality of picture files is displayed on said cellular telephone, enables a user to separately select a selection option for each picture file of said plurality of picture files; and displays a subset of said plurality of picture files on said display according to a selected display function, said subset comprising picture files selected by way of said selection options associated with said plurality of picture files (pg. 2 fig. B and fig. C).

Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Santoro in view of McDaniel in order to provide a separate selection option for each picture files displayed on user interface on a cellular telephone,

enabling the user to separately select a selection option for each picture file and displaying a subset of said plurality of picture files on a cellular telephone.

One of ordinary skilled in the art would have been motivated because it would have enabled a user to select or choose the pictures from plurality of picture files for the slide show on a cellular telephone, palm device and/or mobile device (McDaniel, page 1-2).

However, Santoro in view of McDaniel does not disclose the process of enabling a user to select which picture files of said plurality of picture file displayed on a web page by way of a web page.

Brechner explicitly discloses the process of enabling a user to separately select which picture files selection of said plurality of picture file are displayed on a web page by way of a web page for a user (fig. 1: plurality of picture file displayed on a web page, fig. 2 item #42: the selection option box for selecting the picture file, col. 1 L29-32, col. 4 L7-67, col. 7 L15-26).

Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Santoro in view of McDaniel and further in view of Brechner in order to enable the user to separately select a selection option associated with each picture file displayed on a web page.

One of ordinary skilled in the art would have been motivated because it would have enabled the user to identify the thumbnail or picture file as being suitable for an intended purpose by the user (Brechner, col. 7 L15-25).

As per claim 50, Santoro, McDaniel and Brechner disclose the process wherein the first user and the second user are the same person (Santoro: col. 22 L1 to col. 23 L18; Brechner: col.

1 L29-32, col. 4 L7-67, col. 7 L15-26: the same user can access the web page from multiple

locations).

As per claims 27, 29, 34, 37-40 and 51-53, they do not teach or further define over the

limitations in claims 21-22, 24-26, 30-33, 35-36 and 50. Therefore, claims 27, 29, 34, 37-40 and

51-53 are rejected for the same reasons as set forth in claims 21-22, 24-26, 30-33, 35-36 and 50.

3.   Claims 23 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Santoro

et al., (hereinafter Santoro, U. S. Patent No. 6,724,403 B1) in view of Heather McDaniel

(hereinafter McDaniel, PalmPower Review, Album to Go software), in view of Brechner et al.

(hereinafter Brechner, US 6,970,859 B1), and further in view of Rudy et al. (U. S. Patent No.

6,360,252 B1).

As per claim 23, Santoro, McDaniel and Brechner does not explicitly disclose the process

of receiving said picture file at said cellular telephone as an attachment to an email.

Rudy, from the same field of endeavor, explicitly discloses the method wherein client

machine (read as mobile telephone, col. 3 L39-42) receives the client version of email with

descriptor of attachment (attachments contain images, text, video, multimedia documents, etc,

col. 1 L25-28: read as receiving image file as attachment to an email, fig. 1 item #20 and #12 and

col. 7 L49-53; col. 1 L64-67 to col. 2 L1-10).

Therefore, it would have been obvious to a person of ordinary skilled in the art at the time

the invention was made to incorporate the teaching of Rudy as stated above with Santoro,

McDaniel and Brechner in order to receive the picture file as an attachment to an email.

One of ordinary skilled in the art would have been motivated because the technique would have used where there is a low bandwidth connection between the server and a users mobile device, where there is a high latency connection or where there is a unreliable or intermittent connection. In addition, the technique would have been advantageous because it would have been used where the client machine or a mobile telephone is not adequate to render most attachments due to storage limitations or due to inadequate output capabilities, such as small display or display with inadequate resolution (Rudy, col. 4 L49-61).

As per claim 28, it does not teach or further define over the limitations in claim 23. Therefore, claim 28 is rejected for the same reasons as set forth in claim 23.

Additional References

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a.   Qualcomm's pdq 1900 Smartphone, Computing Unplugged Magazine.

b.   Hands on Review of Pdq Palm/Cellphone.

c.   Yoshioka, U. S. Patent No. 6,839,068 B2.

d.   Nagahara et al., U. S. Patent No. 6,687,382 B2.

e.   Cover et al., US 6,961,905 B1: Method and System for Modifying an Image on a Web page: Editing Program.

Conclusion

Examiner's Remarks: The teachings of the prior art should not be restricted and/or limited to the citations by columns and line numbers, as specified in the rejection. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in its entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

In the case of amendments, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and support, for ascertaining the metes and bounds of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAMAL B. DIVECHA whose telephone number is (571)272-5863. The examiner can normally be reached on Increased Flex Work Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

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